

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:
GARY FERRANTE
DARCI FERRANTE

Case No.: 16-27995

Judge: Meisel

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 05/31/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 255.00 per month to the Chapter 13 Trustee, starting on June 1, 2017 for approximately 28 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Marie-Ann Greenberg	Trustee's Commission	\$775.00
Nicholas Fitzgerald	Attorney Fees	\$2,000.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
State Farm Bank NSB	Mortgage- 49 Howe Avenue, Nutley, NJ	\$1430.38	\$119.00	\$1549.38	\$2400.00
Ditech	Mortgage- 730 Morris Blvd, Toms River, NJ	\$3872.59	\$321.00	\$4193.49	\$1875.00

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
TD Bank	Residence: 49 Howe Avenue, Nutley, NJ	\$100,026.00	\$290,000.00	\$335,209.00	\$0.00		Pro Rate Shares

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
AmeriCredit/GM Financial	2015 Chevrolet Cruze	\$10,193.00	\$98,814.00
US Bank NA	2066 Hovsons Blvd, Toms River, NJ	\$83,683.00	\$174,121.00

d. Secured Claims Unaffected by the Plan The following secured claims are unaffected by the Plan:		
e. Secured Claims to be Paid in Full Through the Plan:		
Creditor	Collateral	Total Amount to be Paid Through the Plan
Part 5: Unsecured Claims		
a. Not separately classified allowed non-priority unsecured claims shall be paid: <div style="margin-left: 20px;"> <input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i> <input type="checkbox"/> Not less than _____ percent <input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds </div>		
b. Separately classified unsecured claims shall be treated as follows:		
Creditor	Basis For Separate Classification	Treatment
Part 6: Executory Contracts and Unexpired Leases		
All executory contracts and unexpired leases are rejected, except the following, which are assumed:		
Creditor	Nature of Contract or Lease	Treatment by Debtor
GM Financial Leasing	2016 Chevrolet Equinox	Assumed - Continue Paying Outside the Plan
GM Financial Leasing	2015 Chevrolet Trax	Assumed - Continue Paying Outside the Plan

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
TD Bank	- Second Mortgage - 40 Howe Avenue, Nutley, NJ	\$100,026.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Claims/Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 09/20/2016

Explain below **why** the plan is being modified:

The plan is being modified to pay the arrearage claims of the mortgages on two properties.

Explain below **how** the plan is being modified:

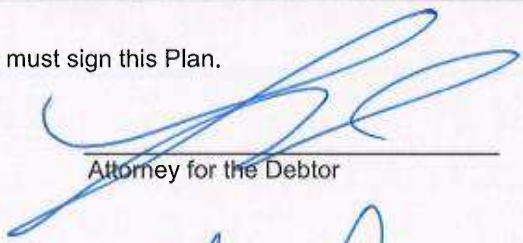
The mortgage arrears are being paid with interest on two properties.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 5/31/17



Attorney for the Debtor

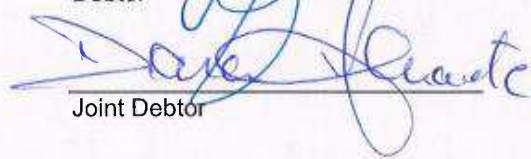
I certify under penalty of perjury that the above is true.

Date: 5.31.2017



Debtor

Date: 05-31-2017



Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Gary Ferrante
 Darci Ferrante
 Debtors

Case No. 16-27995-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 43

Date Rcvd: Jun 01, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 03, 2017.

db/jdb
 cr
 cr
 516401689 +Gary Ferrante, Darci Ferrante, 49 Howe Avenue, Nutley, NJ 07110-1354
 516401690 +ACAR Leasing LTD d/b/a GM Financial Leasing, 4000 Embarcadero Dr., Arlington, TX 76014-4101
 cr +Liberty Savings Federal Credit Union, McKenna DuPont Higgins & Stone, 229 Broad Street,
 P.O. Box 610, Red Bank, NJ 07701-0610
 516401689 +ASC, A Division of Wells Fargo, 1 Home Campus X2401-049, Des Moines, IA 50328-0001
 516401687 +AmeriCredit/GM Financial, Po Box 183583, Arlington, TX 76096-3583
 516493868 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 516401688 +Amex, Correspondence, Po Box 981540, El Paso, TX 79998-1540
 516401690 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 516605645 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 516401691 +Chase Card Services, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 516401692 +Citibank/Best Buy, Centralized Bankruptcy/CitiCorp Credit S, Po Box 790040,
 St Louis, MO 63179-0040
 516616654 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 516401695 +EMC Mortgage/Chase, 3415 Vision Drive, Mail Code OH4-7126, Columbus, OH 43219-6009
 516401696 +Jersey Central Power & Light, PO Box 16001, Reading, PA 19612-6001
 516401697 +KML Law Group PC, Attorneys At Law, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 516401698 +Lib Svgs Cu, 666 Newark Ave, Jersey City, NJ 07306-2398
 516401699 +Liberty Svngs Fed Cr U, 666 Newark Ave, Jersey City, NJ 07306-2398
 516401700 +Macys/Visa Dept Store National Bank, Attn: Bankruptcy, Po Box 8053, Mason, OH 45040-8053
 516401701 +State Farm Bank, Po Box 2316, Bloomington, IL 61702-2316
 516551768 +State Farm Bank, FSB, c/o Cenlar FSB, 425 Phillips Blvd, Ewing, NJ 08618-1430
 516612785 +TD Bank, N.A., PO Box 16029, Lewiston, ME 04243-9507
 516602549 +TD Bank, N.A., c/o Michael E. Blaine, Esq., 30 Montgomery Street, Suite 1205,
 Jersey City, NJ 07302-3835
 516401705 +Trident Asset Management, 53 Perimeter Ctr E Ste 4, Atlanta, GA 30346-2287
 516616492 U.S. Bank N.A., as Trustee f/b/o holders of Struct, Select Portfolio Servicing, Inc.,
 P.O. Box 65250, Salt Lake City, UT 84165-0250
 516401707 +US Bank National Association, KML Law Group, 216 Haddon Avenue, Ste 406,
 Westmont, NJ 08108-2812
 516401706 +US Bank National Association, 4801 Frederica Street, Owensboro, KY 42301-7441
 516456658 US DEPT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973, MADISON WI 53708-8973
 516401708 +US Dept of Ed/Great Lakes Educational Lo, 2401 International, Madison, WI 53704-3121
 516401709 +Wells Fargo Bank Card, Mac F82535-02f, Po Box 10438, Des Moines, IA 50306-0438
 516602304 Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F,
 Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Jun 01 2017 22:54:55 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Jun 01 2017 22:54:52 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr E-mail/PDF: rmscedi@recoverycorp.com Jun 01 2017 22:51:13 Orion,
 c/o Recovery Management Systems Corp., Attn: Ramesh Singh, 25 SE 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605
 516412878 E-mail/Text: mrdiscen@discover.com Jun 01 2017 22:54:06 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516401693 +E-mail/Text: mrdiscen@discover.com Jun 01 2017 22:54:06 Discover Financial, Po Box 3025,
 New Albany, OH 43054-3025
 516401694 +E-mail/Text: bankruptcy.bnc@ditech.com Jun 01 2017 22:54:37 Ditech, Attn: Bankruptcy,
 Po Box 6172, Rapid City, SD 57709-6172
 516597989 E-mail/Text: bankruptcy.bnc@ditech.com Jun 01 2017 22:54:37
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 516561849 E-mail/PDF: resurgentbknofications@resurgent.com Jun 01 2017 22:51:14
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516444971 E-mail/Text: danielle@redbanklaw.com Jun 01 2017 22:54:06
 Liberty Savings Federal Credit Union, C/O McKenna, DuPont, Higgins & Stone, PC, PO Box 610,
 Red Bank, NJ 07701-0610
 516405176 E-mail/PDF: rmscedi@recoverycorp.com Jun 01 2017 22:51:13 Orion,
 c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605
 516401702 +E-mail/Text: bankruptcy@td.com Jun 01 2017 22:54:57 TD Bank, PO Box 219,
 Lewiston, ME 04243-0219
 516401703 +E-mail/Text: bankruptcy@td.com Jun 01 2017 22:54:57 Td Bank N.a., Po Box 219,
 Lewiston, ME 04243-0219
 516401704 +E-mail/Text: bankruptcy@td.com Jun 01 2017 22:54:57 Td Banknorth, Po Box 1190,
 Lewiston, ME 04243-1190

TOTAL: 13

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 43

Date Rcvd: Jun 01, 2017

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 03, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 31, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor U.S. Bank N.A., as Trustee f/b/o holders of Structured
Asset Mortgage Investments II Inc., Bear Stearns ALT-A Trust, Mortgage Pass-Through Certificates,
Series 2006-3 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
John R. Morton, Jr. on behalf of Creditor ACAR Leasing LTD d/b/a GM Financial Leasing
mortonlaw.bcraig@verizon.net, tfitz@mortoncraig.com/mhazlett@mortoncraig.com
Marie-Ann Greenberg magecf@magtrustee.com
Michael E. Blaine on behalf of Creditor TD Bank NA mblaine@schillerknapp.com,
tshariff@ecf.courtdrive.com/tshariff@schillerknapp.com/jcollen@schillerknapp.com
Michael R. DuPont on behalf of Creditor Liberty Savings Federal Credit Union
dupont@redbanklaw.com, dana@redbanklaw.com
Nicholas Fitzgerald on behalf of Debtor Gary Ferrante nickfitz.law@gmail.com
Nicholas Fitzgerald on behalf of Joint Debtor Darci Ferrante nickfitz.law@gmail.com
Sarah J. Crouch on behalf of Debtor Gary Ferrante nickfitz.law@gmail.com,
nadiafinacial@gmail.com/r53165@notify.bestcase.com
Sarah J. Crouch on behalf of Joint Debtor Darci Ferrante nickfitz.law@gmail.com,
nadiafinacial@gmail.com/r53165@notify.bestcase.com
Sean M. O'Brien on behalf of Creditor State Farm Bank, F.S.B. sobrien@flwlaw.com

TOTAL: 11